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FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, MARCH 3, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Pearce, absent and excused; and Senator McKenzie, absent and formally excused by the Chair.

Prayer was offered by Senator Brent Hill.

The Pledge of Allegiance was led by Natalie Tippetts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 3, 2009

The JUDICIARY AND RULES Committee reports that [S 1130](#), [S 1131](#), [S 1132](#), and [S 1133](#) have been correctly printed.

DARRINGTON, Chairman

[S 1130](#) and [S 1131](#) were referred to the Transportation Committee.

[S 1132](#) was referred to the Education Committee.

[S 1133](#) was referred to the State Affairs Committee.

March 2, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1018](#) and [S 1041](#) were delivered to the Office of the Governor at 1:36 p.m., March 2, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2009

The EDUCATION Committee reports out [H 57](#) and [H 78](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 57](#) and [H 78](#) were filed for second reading.

March 2, 2009

The HEALTH AND WELFARE Committee reports out [H 123](#) with the recommendation that it do pass.

LODGE, Chairman

[H 123](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 2, 2009

Dear Mr. President:

I transmit herewith [H 92](#), [HCR 14](#), [HCR 24](#), [HCR 21](#), [H 101](#), [H 128](#), [H 129](#), [H 38](#), [H 44](#), [H 96](#), [H 14](#), as amended, [H 32](#), as amended, [H 65](#), as amended, [H 154](#), as amended, [HCR 18](#), [HJM 1](#), [H 41](#), [H 75](#), [H 108](#), [H 192](#), [H 87](#), [H 104](#), and [H 105](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 92](#), [HCR 14](#), [HCR 24](#), [HCR 21](#), [H 101](#), [H 128](#), [H 129](#), [H 38](#), [H 44](#), [H 96](#), [H 14](#), as amended, [H 32](#), as amended, [H 65](#), as amended, [H 154](#), as amended, [HCR 18](#), [HJM 1](#), [H 41](#), [H 75](#), [H 108](#), [H 192](#), [H 87](#), [H 104](#), and [H 105](#) were filed for first reading.

March 2, 2009

Dear Mr. President:

I return herewith [S 1079](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1079](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, [HCR 16](#) retained its place on the Third Reading Calendar for one legislative day.

The President announced that [HCR 13](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Andreason, [HCR 13](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1134

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 2, CHAPTER 236, LAWS OF 2003, TO REVISE A SUNSET PROVISION AND TO PROVIDE FOR AN ANNUAL REPORT.

S 1135

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO WORKER'S COMPENSATION AND RELATED LAWS; AMENDING CHAPTER 9, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-928A, IDAHO CODE, TO PROVIDE THAT A PUBLIC CORPORATION MAY INSURE AGAINST LIABILITY FOR COMPENSATION WITH THE STATE INSURANCE FUND OR WITH CERTAIN LICENSED INSURANCE CARRIERS AND TO PROVIDE THAT SUCH LIABILITY COVERAGE SHALL BE FOR A CERTAIN PERIOD OF TIME.

[S 1134](#) and [S 1135](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 92](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 14](#), by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

[HCR 24](#), by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[HCR 21](#), by Environment, Energy, and Technology Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 101](#), [H 128](#), and [H 129](#), by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 38](#) and [H 44](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 96](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 14](#), as amended, [H 32](#), as amended, and [H 65](#), as amended, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 154](#), as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[HCR 18](#) and [HJM 1](#), by Resources and Conservation Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

[H 41](#), [H 75](#), [H 108](#), and [H 192](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 87](#), [H 104](#), and [H 105](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1098](#), as amended, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1084](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

[S 1071](#), as amended, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Goedde, granted by unanimous consent, [S 1074](#), as amended, having been held, was referred to the Fourteenth Order of Business, General Calendar.

[S 1088](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Darrington, Davis, Fulcher, Goedde, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Thorson (Stennett), Winder. Total - 24.

NAYS—Bair, Cameron, Coiner, Corder, Geddes, Hammond, Hill, Siddoway, Stegner, Werk. Total - 10.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1088](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1114](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1114](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1115](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1115](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1119](#) retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Schroeder, granted by unanimous consent, [S 1020](#) retained its place on the Third Reading Calendar for Friday, March 6, 2009.

[S 1022](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1022](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1110](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1110](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1078](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1078](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1121](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1121](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1051](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1051](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1053](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1053](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1017](#), as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [S 1017](#), as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

[SJR 101](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Schroeder, Smyser. Total - 2.

Absent and excused—McKenzie. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 101](#) adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

The Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [H 79](#), [H 132](#), and [H 64](#), as amended in the Senate, without recommendation, amended as follows:

SENATE AMENDMENT TO H 79

AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 27, following "children of" insert: "full-time"; delete lines 28 and 29 and insert: "within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the third priority"; delete lines 40 and 41 and insert: "the following children within the second priority group subject to the limitations therein."; and in line 42, following "children of" insert: "full-time".

SENATE AMENDMENT TO H 132

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 15, delete "Notwithstanding"; and on line 16, delete "any other provision of law, state" and insert: "State".

SENATE AMENDMENT TO SENATE AMENDMENT TO H 64

AMENDMENT TO THE AMENDMENT

On page 1 of the printed amendment, delete line 2.

CORRECTION TO CORRECTION TO TITLE

On page 1, delete line 4.

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), and [S 1074](#), as amended, under consideration, reports progress, and begs leave to sit again.

Stegner, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 79](#), as amended in the Senate, [H 132](#), as amended in the Senate, and [H 64](#), as amended in the Senate, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Wednesday, March 4, 2009.